IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3672 of 2001

with
Civil Application No.9232 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT ELECTRICITY BOARD

Versus

KESHUBHAI RAYSINHBHAI DODIYA

Appearance:
1. First Appeal No. 3672 of 2001
MR HS MUNSHAW for Petitioners No. 1-3
MR PJ KANABAR for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE H.H.MEHTA

Date of decision: 19/12/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. Admitted. Learned advocate Mr.P.J. Kanabar, waives service of notice of admission on behalf of the respondent. At the request of the learned advocates for the parties, this appeal is taken up for final hearing today.

2. The appellants by filing this First Appeal, have challenged the judgment and decree dated January 24, 2001, passed by the learned send Joint Civil Judge (S.D.), Amreli, in Special Civil Suit No.119 of 1997, by which decree, the learned trial judge awarded compensation in the sum of Rs.1,07,000/- to the respondent with 12% interest from the date of filing of the suit till realisation.

3. Heard the learned advocates for the parties.

4. Due to the consensus arrived at between both the parties and the learned advocates appearing for both the parties and in the facts and circumstances of the case, the decree of the trial court is modified to the extent that the appellants shall pay lumpsum amount of Rs.1,28,500/- (including interest and cost) to the respondent for the damage caused to the crops in the fields of the respondent due to defective electric wires installed by the appellant-Gujarat Electricity Board. The amount of Rs.1 lakh deposited by the appellant in this Court shall be transmitted to the trial court forthwith not later than December 28, 2001. The appellant shall deposit remaining amount of Rs.28,500/- in the trial court on or before January 15, 2002. The said amount of Rs.1,28,000/- shall be paid over to the respondent on proper identification. The appeal stands disposed of accordingly with no order as to costs. The decree be drawn accordingly.

5. As the appeal is disposed of, Civil Application No.9232 of 2001 for stay would not survive and stands disposed of accordingly with no order as to costs. Notice is discharged.

December 19, 2001 (M.H. Kadri, J.)

(H.H. Mehta, J.)

(swamy)